

July 16, 1996

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON

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ORDER MODIFYING CONDITIONS.

SUBJECT: Department of Development and Environmental Services File No. C92G0001

PALMER JUNCTION GRAVEL PIT  
SEPA Threshold Determination Appeal

Location: 34900 SE Hudson Road, east of Black Diamond

1. On May 14, 1996, a request was received from Schrod-Mar, Inc., to modify the conditions attached to the Hearing Examiner's July 1, 1994 threshold determination appeal decision. The requested modification would amend the deadline for terminating Phase I operations absent completion of an Environmental Impact Statement (EIS) from December 31, 1996 to December 31, 1997. Schrod-Mar justifies its request by citing the County's delay in selecting an EIS consultant and its need for predictability in contracting for the 1997 construction season. While issuance of the Final EIS is projected to occur before the end of the year, Schrod-Mar fears that unforeseen delays may arise and seeks a margin of safety in its scheduling.
2. Notice of Schrod-Mar's request was mailed to parties of record on May 22, 1996. Five letters of response were received from neighborhood residents in opposition to the requested extension, one letter having been signed by members of 22 households. Some respondents focused on long-standing grievances over Schrod-Mar's mining activities, while others cited increased levels of adverse impacts to air quality, stream protection, wetlands and traffic resulting from a major intensification of mining at the pit site.
3. A memo was also received from the King County Site Development Services Section indicating its conclusion that Schrod-Mar is in compliance with Phase I operating conditions and expressing no opposition to the requested extension.
4. There is no question that the December 31, 1996 Phase I deadline for EIS completion could have been met through a reasonably diligent effort by King County SEPA officials and Schrod-Mar. On the other hand, an argument can be made that so long as Phase I operating conditions are met, the EIS time limit is of secondary concern. This argument is countered, however, by indications that intensified mining operations have increased certain impacts which are subject to EIS review. On balance, then, the case for Schrod-Mar's request is a fairly weak one and does not support an extension for more than the minimum time necessary to assure that the EIS is completed.

ORDER:

The conditions for phased environmental review contained within the order attached to the Hearing Examiner's threshold determination appeal decision dated July 1, 1994 are hereby modified as follows:

1. The two references to "December 31, 1996" are changed to "June 30, 1997".
2. No further requests for Phase I deadline extensions will be considered unless accompanied by a written narrative by the SEPA official accounting for time spent on EIS preparation since July 1, 1994 and explaining why the EIS could not be completed in a timely fashion. The deadline for such submittal shall be May 31, 1997.

3. All other terms of the July 1, 1994 decision remain in effect.

ORDERED this 16th day of July, 1996.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 16th day of July, 1996, to the following parties and interested persons:

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